

Minutes of the Planning Commission meeting held on Thursday, April 18, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair
Tim Taylor, Vice-Chair
Phil Markham
Maren Patterson
Chad Wilkinson, Division Manager
Mark Boren, Assistant Planner
Tim Tingey, Director of Administrative & Development Services
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Jim Harland
Vicki Mackay
Scot Woodbury

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures. Ms. Daniels made note that item #4 on this agenda, Painting With A Twist, has been withdrawn.

APPROVAL OF MINUTES

Mr. Taylor made a motion to approve the minutes from April 4, 2013. Mr. Markham seconded the motion.

A voice vote was made. Motion passed 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for a Conditional Use Permits for Utah Used Car Sales, Murray Auto Sales, P C Laptops, Scott Van Leeuwen, Marissa's Books and Robby Russo from the meeting on April 4, 2013.

Seconded by Ms. Patterson.

A voice vote was made. Motion passed 4-0.

JOHN MORGAN – 293 East Mountain View Drive – Project #13-50

John Morgan was the applicant present to represent this request. Mark Boren reviewed the location and request for a Conditional Use Permit for an accessory dwelling unit (ADU), in the basement of the existing dwelling for the property addressed 293 East Mountain View Drive. Municipal Code Ordinance 17.78.030

allows an accessory dwelling unit within the R-1-8 (Single-Family Residential) zoning district subject to Conditional Use Permit approval. The proposed accessory dwelling unit will have approximately 868 square feet which is less than 40% of the square footage of the primary residence and also less than 1,000 square feet maximum allowed for an ADU. The plans submitted show a bedroom, kitchen, bathroom, living room, foyer, and some small areas for storage. In addition to the standards for development, approval of an accessory dwelling unit requires submittal of evidence that the unit is the principal residence of the owner and an affidavit stating that the owner of the property will live in either the principal or accessory unit. The property has a detached two-car garage and additional parking space is available on the driveway. The code for accessory dwelling units requires two additional off-street parking spaces besides those required for the principal unit and in no case shall be less than four spaces. The submitted information shows adequate space available for off-street parking. The setbacks comply with the R-1-8 zone requirements. The landscaping complies with the R-1-8 zone regulations. Access to the property is from Mountain View Drive. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Markham asked if the dwelling currently has separate utility meters. Mr. Boren deferred this question to the applicant.

John Morgan, 293 East Mountain View Drive, stated he is the owner of the residence. Ms. Daniels asked Mr. Morgan if he has had an opportunity to review the conditions of approval and would he be able to comply. Mr. Morgan responded in the affirmative. Mr. Morgan acknowledged that there is a second meter on the dwelling, but that he will remove the second utility meter. Mr. Morgan stated he is wishing to comply with the city codes.

The meeting was opened for public comment.

Kathy Saxton, 295 East Mountain View Drive, stated she is opposed to an ADU at the applicant's residence. She stated that in August of 2012 she called 911 for fear there was a home invasion attempt at her residence. There was no invasion, but the police arrested a suspect. She felt like she was placed in a position where she needed to defend herself and her 88 year old mother. The suspect was a guest of the tenants living in Mr. Morgan's ADU and had mistaken her house as the basement apartment of the Morgan's. Neither the Morgan's nor their tenant approached her with an explanation or apology until several weeks later. Ms. Saxton remained in contact with the officer on scene, Officer Pentical of the Murray City Police Department. Officer Pentical had indicated that the suspect was number one on his radar. It was also stated by the county attorney, in a pre-trial sentencing report, that this suspect was a member of the West Valley Blood's gang. The tenants that live in Mr. Morgan's ADU have continually allowed this suspect to stay at the apartment on various occasions. There has been other suspicious activity at the residence where several times a day cars would pull into the driveway, stay for short periods of time and leave. In addition there was an instance where the tenants had an altercation in the front yard. These incidences have caused Ms. Saxton to feel unsafe in her own home. She commented that if someone knocks on her door without prior invitation, she reaches for her

handgun before opening the door. She indicated that she has also installed an alarm system to detect intrusion. Ms. Saxton's mother stays at home by herself during the day and feels unsafe as well. Ms. Saxton feels like: 1) she has paid a financial and emotional price for the poor choice of tenants, 2) she doesn't feel the Morgan's have been sensitive to the actions of their tenants, 3) she has concerns about her personal safety, 4) she feels the Morgan's can do better background checks on who they are renting to. Ms. Saxton stated that to her knowledge, the Morgan's have had tenants living in a basement apartment without zoning approval. She is hopeful that the Planning Commission will deny this conditional use permit request or put restrictions in place as well as regulate, monitor and enforce those permits. Ms. Saxton state that she feels she has gone through all legal means possible to find an equitable and reasonable solution to resolve her fears of personal safety.

Betty Kiefer, 293 East Mountain View Drive, states she is Mr. Morgan's fiancée and in charge of the rental unit. Ms. Kiefer stated that the house was purchased in May of 2012. Ms. Kiefer stated that in her opinion, Ms. Saxton has made things difficult as well, by harassing tenants/family members through name calling and yelling. Ms. Kiefer moved into the community in hopes of moving into a diverse community. She feels there is some discrimination going on. Ms. Kiefer stated the incident that happened to Ms. Saxton on August 25, 2012, was merely a mistake on the part of the tenant's guest. Prior to Ms. Saxton speaking with Mr. Morgan about the incident, Ms. Kiefer stated she apologized to Ms. Saxton and told her the tenants felt badly about the incident. Ms. Kiefer feels her apology to Ms. Saxton was not accepted due to Ms. Saxton's racist disposition and Ms. Kiefer takes offense to that.

Angel Rodriguez, 293 East Mountain View Drive, stated he was the previous tenant in Mr. Morgan and Ms. Kiefer's basement apartment. Mr. Rodriguez formally apologized to Ms. Saxton for the incident. Mr. Rodriguez explained that he is no longer a tenant there and he is sorry for any inconvenience he may have caused.

Scott Laga, 288 East Mountain View Drive, stated he is a neighbor and that he is not opposed to Mr. Morgan renting out his basement. However, he does hope that they would screen their tenants more carefully as he does not want anyone to feel uncomfortable in their own neighborhood.

The public comment portion of the meeting was closed.

Mr. Morgan stated they could handle the screening of their tenants better. Ms. Daniels asked if the unit is currently rented. Mr. Morgan responded in the negative.

Mr. Markham stated the Planning Commission is not at this meeting to deal with the subject of Mr. Morgan's renting practices or how relations are in the neighborhood. Mr. Markham's concern is whether the applicant meets all the requirements for an ADU. Mr. Taylor concurred.

Mr. Markham made a motion to approve a Conditional Use Permit for an Accessory Dwelling Unit (ADU) in the basement of the existing dwelling at the property addressed 293 East Mountain View Drive, subject to the following conditions:

1. The project shall meet all applicable building and fire code standards. The units will be required to have hard wired interconnected smoke detectors and carbon monoxide alarms per R314.3 and R315.1.
2. The applicant shall submit evidence that the property is his principal residence and shall submit an affidavit stating that he is the owner of the property and that he will live in either the primary or accessory unit as his principal residence. Once the affidavit has been approved by City staff, it shall be recorded against the property. A copy of the recorded affidavit shall be provided to the Community and Economic Development staff.
3. Separate utility meters shall not be allowed.
4. Meet all Power, Water, and Sewer Dept. requirements.
5. Parking for the residential units shall be off-street in compliance with the ADU regulations.
6. Submit floor plan of basement to include use of rooms, dimensions, location of smoke alarms, etc. for a basement finish permit.

Ms. Patterson seconded the motion.

Call vote recorded by Mark Boren.

A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Maren Patterson

Motion passed, 4-0.

VAN LEEUWEN PROPERTIES – 4680, 4684, 4688 South Commerce Drive, and 332 West Martin Lane – Project #12-51

Jon Reiman was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for contract construction uses and new office/warehouse building uses for the properties addressed 4680, 4684, 4688 South Commerce Drive and 332 West Martin Lane. Municipal Code Ordinance 17.152.030 allows contract construction businesses use within the M-G-C zoning district subject to Conditional Use Permit approval. The Planning Commission previously approved a Conditional Use Permit for a gymnastics business use on this property, including other office warehouse buildings, on August 16, 2012. This new proposal increases the number of buildings and units on the site. The applicant has provided parking calculations for 5 building lease areas A-E. The calculations for parking stalls are based on office space: 16,434 sq. ft., warehouse: 25,146 sq. ft., and total retail: 1,000 sq. ft. The site plan show 108 parking stalls on site. The total stalls required are 103 for the site based on the office, warehouse, retail uses. Five disabled parking stalls are required on site to comply

with ADA regulations. If a gymnastics business occupies the site, adequate parking will need to be provided for this business use. The proposed buildings comply with the setback requirements of the M-G-C zone. A preliminary landscaping plan has been submitted with the Conditional Use Permit application. A formal landscaping plan shall be submitted in conjunction with the building permit application for review and approval by Murray City officials. Access to the site is from Commerce Drive and Martin Lane. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit and site plan approval for the office warehouse buildings subject to conditions.

Ms. Daniels asked Mr. Wilkinson to clarify what the Commission needs to make a decision on. Mr. Wilkinson stated there are two parts to the application: 1) an amendment to the site-plan and 2) for the use. Those can both be decided on in one motion.

Mr. Markham asked for clarification on condition #8 relating to Martin Lane, and will the applicant know to what extent that improvement needs to be? Mr. Wilkinson stated it is somewhat open on purpose. When the original Conditional Use Permit was approved there were conditions regarding Martin Lane. Therefore, there will be an interim improvement before the south side of the project is developed. There is a loop system that comes through the development that provides access as well. Condition #8 has been a little bit left open so that the Fire Marshall and City Engineer can come up with some kind of interim standard until the south side of the project is built. Mr. Markham stated he wanted to make sure the applicant understands the significance of the expense that could be imposed in order to meet that requirement. Mr. Wilkinson made note that eventually Martin Lane will need to be completely improved.

Mr. Taylor mentioned a letter from State Stone indicating construction that is already taking place. Mr. Wilkinson made note a building permit has been applied for by the applicant to get into compliance with code. They have been working closely with staff on that issue. That is currently under review and will be monitored to ensure it meets the standards. Mr. Taylor asked if the letter came in because of the applicant's submittal. Mr. Wilkinson stated the information came in because there was some work being done on the site without a permit. Staff is working with the applicant to get that work permitted, which is what condition #9 and #7 are addressing. Therefore, this submittal is to bring that project into compliance.

Jon Reiman, 3479 West Ricky's Drive, indicated he is representing the applicants, Scott and Mishele Van Leeuwen. Ms. Daniels asked if Mr. Reiman has had an opportunity to review the 14 conditions of approval and will he be able to comply. Mr. Reiman responded in the affirmative. Mr. Reiman made mention this is a difficult site and the applicant is on board with going through the whole planning and permit process. Mr. Reiman stated he will make sure this project meets Murray City's standards. In regards to State Stone's letter, Mr. Reiman noted that something was missed on the original survey, so they have pulled that line and will make sure it is done correctly. The applicant is hopeful this project will to clean up this area and bring industry commerce to this part of Murray.

The meeting was opened for public comment.

Brad Nelson stated he is the owner of Brad's Cars which is in the middle of all the property the applicant owns. He stated that in the 27 years he has been there he hasn't seen the applicant complete any projects. His concern is that whatever is being started, will not be finished. Mr. Nelson asked the anticipated timeframe for this proposal because his cars will be full of dirt and dust every day due to the construction. He asked how far back the building will be back from the main road. In addition he wants to know if there will be any improvements on Martin Lane.

Darrell Stauffer, 4640 South 300 West, stated he is the manager of State Stone and representing the owner who is out of town and could not make the meeting. The owners of State Stone have no problems with this land being developed and are looking forward to the project. The only problem that exists are with the blocks they are placing down for the retaining wall as they seem to impede the property line. The owner of State Stone would like to make sure that the retaining wall that is being put in is done so according to code with proper retaining, fencing and drainage. They would like to see those items are part of the conditions.

Tracy Johanson, 2956 Mount Springs Road, asked when the south side of the project will be developed and the anticipated timeline.

The public comment portion of the meeting was closed.

Mr. Reiman stated they would like to start everything as soon as possible. This project will be done in phases with the next phase starting once they obtain a building permit from the building department. Those plans have been submitted and are in review. To address the questions on setbacks, the building will be approximately 40+ feet from the street as there will be parking in front of the building. For State Stone's question on drainage, Mr. Reiman stated he just delivered the improved draining plans for review. Mr. Reiman also made note that the property owner, Mr. Van Leeuwen has taken a lot of junk out of the property to try and clean up the appearance before the project got under way. Regarding improvements on Martin Lane, they will be putting in two drives up to the existing building that will allow the fire department access. The same will be done on the south side.

Ms. Patterson made a motion to approve a Conditional Use Permit for contract construction uses and new office/warehouse building uses at the properties addressed 4680, 4684, 4688 South Commerce Drive and 332 West Martin Lane, subject to the following conditions 1-14 as well as a site plan approval for the office warehouse:

1. The project shall meet all applicable building code standards. The applicant shall provide plans stamped and sealed by appropriate design professionals to include code analysis. The applicant shall provide a soils report from a geo-technical engineer when submitting plans for a building permit.
2. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Murray City Officials and be installed as approved prior to occupancy.

3. All trash containers shall be screened as required by Section 17.76.170.
4. Adequate parking stalls be paved and striped on site, including disabled stalls with signs posted, to comply with code Chapter 17.72.
5. All fencing installed at the site shall comply with code Chapter 17.64.
6. The applicant shall comply with the Murray City Engineer's requirements for combining the parcels with a subdivision plat.
7. Comply with Murray City drainage requirements.
8. The applicant shall improve Martin Lane to accommodate proposed development traffic.
9. A land disturbance permit is required prior to beginning any site grading or construction.
10. Comply with Murray Fire Departments requirements including access requirements.
11. A road dedication is required in order to provide a 66' Right of-Way on Commerce Drive.
12. Install sidewalk along Commerce Drive.
13. Obtain City Excavation Permit for any work in the City right-of-way.
14. Comply with Murray Power Department and Murray Water and Sewer Department requirements. Because wastewater control rules may be required, traps and manholes may be required to be installed based on possible uses.

Mr. Taylor seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Maren Patterson

Motion passed, 4-0.

HUMANE SOCIETY OF UTAH – 4242 South Commerce Drive – Project #13-52

Brett Bullock was applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit amendment for a larger building addition at the north side of the property, parking lot site plan changes

and remodeling of portions of the existing Humane Society facility. The property is located at 4242 South 300 West. Municipal Code Ordinance 17.152.030 allows animal boarding within the M-G-C zoning district subject to Conditional Use Permit approval. The previous building approved by the Planning Commission on July 1, 2010 was for a 2,544 sq. ft. addition at the north side of the existing building. The new two-story addition will total 5,995 sq. ft. The site plan shows changes to the driveway and parking lot configuration. The zoning regulation for parking does not have a specific parking code standard for animal clinic and boarding, but the original approval by the Commission for the Humane Society was a parking ratio of 3.5 parking stalls per 1,000 sq. ft. in 1991. The applicant has now increased the parking ratio to four parking stalls per 1,000 sq. ft. for a total 32,887 net sq. ft. facility. The total parking stalls provided for the site is 139 stalls, including six disabled stalls, which should be adequate for the use. The buildings comply with the required setbacks for the M-G-C zone. The site is currently landscaped, but additional landscaping will need to be installed to the north side of the property to meet zoning requirements. New landscaping plans for the site will need to be provided and approved by City staff to meet zoning regulations with building permit application. Access to the site is from Commerce Drive. Based on the information presented in this report, application materials submitted and site review, staff recommends approval of the conditional use permit amendment subject to conditions.

Brett Bullock, 1473 South 1100 East, stated he is an architect with the firm working on the project, VB Associate Architects. He stated this request is to increase the size of the addition that was originally anticipated to be built on the northwest corner of the existing building.

Ms. Daniels asked if he has had the opportunity to review the 10 conditions of approval and is able to comply. Mr. Bullock responded in the affirmative and commented they have already complied with several of the conditions, but had some questions. Mr. Bullock pointed out that in the staff report under project description it talks about the additional square footage, but in addition to that as a part of that they anticipate building is a change order for a garage structure. That structure would be on the northwest corner, comprising of 1285 sq. ft. The purpose of the addition is to provide expanded space for behavioral assessment of dogs and cats. Since the first phase of this was completed, the number of adoptions has gone up dramatically. This facility is trying to get as close to a non-euthanizing facility as possible. The project will also include some remodeling that is not part of this application. Mr. Bullock stated they have already submitted plans for a preliminary review of a shell structure so that they can get started with the two-story addition. Mr. Bullock stated he was confused on the request for additional landscaping, as this was not requested any other time they have applied. None of the grades will be changed on the present site for restructuring of the parking.

Ms. Daniels wanted Mr. Bullock to understand that when it comes to the conditions of approval, even though they may have complied with some of them already, those conditions still need to be part of the staff report, because the Planning Commission does not know if the information has been provided. In order for them to make a ruling, all the conditions need to be listed so they are on record as part of the requirements.

Ms. Daniels mentioned that a Conditional Use Permit triggers a landscaping plan. Even though he came before the Commission in 2010, it may or may not have been updated. Ms. Daniels strongly recommended the applicant work with staff on any of the landscaping and parking requirements. Ms. Daniels asked Mr. Wilkinson about the staff report mentioning the 5995 sq. ft. two-story addition, but in addition the applicant has brought up an additional 1285 sq. ft. for the garage. Mr. Wilkinson stated that part of the addition is shown on the plan, but must have been overlooked by staff during plan review. That extra square footage is included and will be a part of this approval.

Mr. Wilkinson made note that whenever there are revisions to the site plan, there may have already been partial or full compliance, but it goes back to all the city divisions who in turn give their feedback. In some cases there may be additional information required on conditions of approval. Condition #5 is talking about the extension of the parking, so since they are changing the area on the north side of the site, the landscaping needs to be reviewed and modifications made.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Taylor made a motion to approve a Conditional Use Permit amendment for a larger building addition at the north side of the property, parking lot site plan changes and remodeling of portions of the existing Humane Society facility at the property located at 4242 South 300 West, subject to the following conditions:

1. The project shall meet all applicable building code standards. The building official will require plans which are stamped and sealed by appropriate design professionals.
2. Provide code analysis to include allowable area calculations.
3. Provide soils report from geo-technical engineer.
4. The project shall meet all current fire codes.
5. A formal landscaping plan, meeting the requirements of Chapter 17.68, and 17.152. 100 of the Murray Municipal Code, shall be submitted for approval by the Murray City staff and landscaping shall be installed as approved prior to occupancy.
6. Trash containers on site shall be screened as required by Section 17.76.170.
7. All of the parking stalls shall be paved and striped to meet parking Regulation Section 17.72, including ADA standards.
8. Comply with storm drainage requirements
9. Implement site SWPPP prior to construction.

10. Repair any damaged curb, gutter and sidewalk along Commerce Drive frontage.

Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Maren Patterson

Motion passed, 4-0.

ALDER BUSINESS CENTER 2 – 4120-4140 South 500 West – Project #13-54

Bruce Alder was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for preliminary and final approval for a three lot commercial subdivision for the properties addressed 4120 & 4140 South 500 West. Mr. Wilkinson noted that when this agenda was published this was originally listed as a four lot subdivision, but this has been modified to a three lot commercial subdivision. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The property is located on the west side of 500 West Street within the M-G-C zoning district. The properties are developed with existing businesses that have existing parking and landscaped areas on the site. The private driveway into the property will be a shared drive access between the three properties. The applicant stated the three properties will comply with the parking stalls requirement for each building separately. Murray City code requires 1 parking stall for every 250 square feet for office space, 1 space for every 200 square feet for retail space and 1 space for every 750 square feet for warehouse/storage space. The building on lot #1 contains 10,789 sq. ft. of office space, and 29,693.5 sq. ft. of warehouse space. The building will require a minimum of 84 parking stalls. The site shows a total of 96 parking stalls on site. The building on Lot # 2 contains 6,120 sq. ft. of office space and 8,080 sq. ft. in warehouse space for a total of 14,200 sq. ft. It will require 36 parking stalls total. The plans show 36 total parking stalls are provided on site. The building on lot #3 contains 8,056 sq. ft. in office space and 51,099 sq. ft. in warehouse with a total of 102 parking stalls required. The plans show 121 parking stalls on site. The applicant has submitted for approval for the concept of shared parking agreement. However, as staff reviewed the requirements for the site, it was discovered that they already met the parking requirements. The applicant can still record the shared parking agreement, but as noted in the staff report there is sufficient parking. Based on the information presented in this report, application materials submitted and the site review, staff recommends that a recommendation for approval be sent to the Mayor for preliminary and final subdivision approval subject to conditions.

Bruce Alder, 3939 South 500 West, stated he is representing Alder Developments and Sunnyside Enterprises for this proposal. Mr. Alder stated he has reviewed the 7

conditions of approval and is able to comply. They have a number of people that would like to buy the property and in order to sell it they do need to get approval on a commercial subdivision. Regarding the parking, they have been working with staff. If it is not necessary to do a shared parking agreement they will probably not pursue it.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Markham made a motion to recommend approval to the Mayor for the preliminary and final approval for a three lot commercial subdivision at the properties addressed 4120 & 4140 South 500 West, subject to the following conditions:

1. The project shall meet Murray City platting requirements including dedication of standard easements, access right-of-ways and common area easements.
2. The applicant shall develop a declaration of shared utilities, parking, right-of-ways and common area easements.
3. If the cost of construction meets or exceeds \$5,000, the Engineering Department will require the repair of sidewalk and curb and gutter along the 500 West frontage.
4. The applicant shall meet all the requirements of Murray City Power Department and Murray City Water and Sewer Division.
5. The project shall meet all applicable building code standards.
6. The project shall meet applicable fire codes and maintain emergency access on the access road.
7. The site shall comply with Murray City parking regulations, including disabled parking stalls.

Mr. Taylor seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Maren Patterson

Motion passed, 4-0.

OTHER BUSINESS

There was no other business.

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Meeting adjourned.

A handwritten signature in dark ink, appearing to be 'CW', written over a horizontal line.

Chad Wilkinson, Manager
Community & Economic Development